

PATENT
Customer No. 22,852
Attorney Docket No. 04012.0373-00000
(formerly 0609.4440002)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
R. W. ESMOND et al.) Group Art Unit: 1614
)
Application No.: 09/394,712) Examiner: Vickie Y. Kim
)
Filed: September 13, 1999)
)
For: Method for Treating or Preventing)
Alzheimer's Disease)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA HAND DELIVERY
Examiner Kim
Crystal Mall 1/7th Floor

OCTOBER 23, 2003

Sir:

FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance.

Copies of the listed documents are attached. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The listed documents comprise:

(1) the U.S. and foreign patent documents and other publications (except the textbook items noted below) which were (a) listed on the face of U.S. Patent No. 6,191,154 B1 or cited in the International or European Search Reports corresponding to U.S. Patent No. 6,191,154 B1, and (2) which have not previously been identified as considered by the Examiner in the above-identified application. For example, to the knowledge of the undersigned, the following references were cited in the International and European Search Reports corresponding to U.S. Patent No. 6,191,154 B1:

U.S. Patent No. 5,326,770

WO93/24115

WO96/33724

WO98/39006

U.S. Patent No. 5,607,967

U.S. Patent No. 5,716,975

Jiang et al (1998) *Nature*, London 391, 82-86

Since U.S. Patent Nos. 5,326,770 and 5,716,975 have already been considered by the Examiner, they are not included in the present submission. Also, the textbook publications listed on the cover of U.S. Patent No. 6,191,154 B1 (Anderson and Young, Quantitative Filter Hybridization, in *Nucleic Acid Hybridization* (1985) and Ausubel, *Current Protocols in Molecular Biology*, Wiley & Sons, New York (1994)) are not being submitted.

These documents are being submitted due to the pending request for interference between the above-identified application and U.S. Patent No. 6,191,154 B1.

(2) the search report for PCT Application WO 00/35437 and documents cited in the search report which have not previously been identified as considered by the Examiner. For example, the COMBS, C. K. ET AL and BLUM-DEGEN D. ET AL documents have already been considered by the Examiner and, therefore, are not included in the present submission. PCT Application WO 00/35437 was cited in the Fourth Supplemental Information Disclosure Statement.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

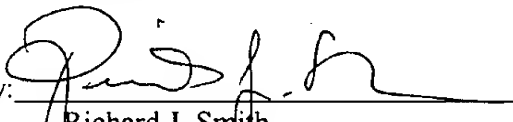
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Please charge the fee of \$180.00 for filing this Statement, as specified by Section 1.17(p), and any additional fees due in connection with the filing of this Statement, to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 23, 2003

By: 
Richard J. Smith
Reg. No. 30,496